IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 17430-M of 2007

DATE OF DECISION : 20.03.2007

Balbir Kaur, Sarpanch and another

.... PETITIONERS

Versus

The Central Bureau of Investigation and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. C.S. Bakhshi, Advocate,
for the petitioners.

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for transfer of the investigation in case FIR No. 20 dated 28.1.2007 under Sections 364, 34 IPC, registered at Police Station Beas, District Majitha, to the Central Bureau of Investigation or to some independent agency.

2. I have heard counsel for the petitioners.

3. The aforesaid FIR was registered on the statement of petitioner No.2 Tarlochan Singh-Nambardar, in which it was alleged that his sister in law, namely Balbir Kaur-Sarpanch (petitioner No.1) was abducted by accused Sarabjit Singh alias Muglani, his son Master and Manjinder Singh Kang, who was contesting the assembly elections as a candidate of Shiromani Akali Dal. On the next day, petitioner No.1 herself came to the house and stated that she was released by the accused.

4. In the petition, it has been stated that the police has not taken any step to arrest the accused named in the FIR. However, accused Sarabjit Singh (respondent No.7) was detained on 29.1.2007, but lateron, he was let off. It is alleged that no action has been taken against respondent No.6, who has now been elected as MLA from Beas constituency. It is alleged that now

the police is pressurising the petitioners to make the statement that the aforesaid FIR was registered on the asking of Jasbir Singh Dimpa, a defeated candidate in the elections. It is further stated that the petitioners are having threat to their life and liberty.

5. In the entire petition, it has not been stated that the police is not fairly and properly investigating the matter. In the facts and circumstances of this case, no exceptional case for issuing direction under Section 482 Cr.P.C. has been made out. Investigation of a case can be transferred by the High Court in exceptional case, as any such order will amount to interference in the investigaiton, which is in the domain of the police. In this case, I do not find any ground to transfer the investigation of the aforesaid case to the CBI merely on the ground that the petitioners are having threat to their life and liberty at the hands of the accused persons.

5. Dismissed.

6. However, it will be open for the petitioners to approach the senior police officer of the District for protection, in case they feel any threat to their life and liberty.

March 20, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**